

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Criminal No. 21-60 (JRT/DJF)

Plaintiff,

v.

ANDREW JEROME BIGBEE,

Defendant.

**MEMORANDUM OPINION AND ORDER
GRANTING DEFENDANT’S APPLICATION
TO PROCEED IN FORMA PAUPERIS ON
APPEAL**

Chelsea A. Walcker, Craig R. Baune, Nathan Hoyer Nelson, and Quinn Askew,
UNITED STATES ATTORNEY’S OFFICE, 300 South Fourth Street, Suite 600,
Minneapolis, MN 55415, for Plaintiff.

Wyatt Arneson, **ARNESON LAW OFFICE**, 400 South Fourth Street, Suite
1025, Minneapolis, MN 55415, for Defendant.

Defendant Andrew Jerome Bigbee is currently serving a 264-month term of imprisonment after a jury convicted him of one count of conspiracy to distribute methamphetamine and three counts of possession with intent to distribute methamphetamine. (Jury Verdict 1–7, Sept. 18, 2023, Docket No. 231; Sentencing J., Oct. 9, 2024, Docket No. 293.) Bigbee filed a pro se notice of appeal. (Notice of Appeal, Oct. 21, 2024, Docket No. 295.) The Eighth Circuit notified Bigbee’s trial counsel, Wyatt Arneson, that he was still counsel of record and that the filing fee had not yet been paid. (USCA Case Number at 1, Oct. 25, 2024, Docket No. 298.) In response, Bigbee filed a pro

se application to proceed in forma pauperis (“IFP”) on appeal. (Appl. to Proceed IFP on Appeal, Dec. 2, 2024, Docket No. 299.)

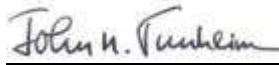
A litigant who seeks to be excused from paying the filing fee for an appeal in a federal case may apply for IFP status under 28 U.S.C. § 1915. To qualify for IFP status, the litigant must demonstrate that they cannot afford to pay the full filing fee. 28 U.S.C. § 1915(a)(1). Even if a litigant is found to be indigent, however, IFP status will be denied if the Court finds that the litigant's appeal is not taken in good faith. *Id.* § 1915(a)(3).

Bigbee has satisfied both requirements to proceed IFP on appeal. First, his application demonstrated that he is unable to pay the filing fee because he is currently incarcerated, was effectively homeless prior to his incarceration, and has an average monthly balance of only \$73.07 in his trust fund prison account. Second, Bigbee’s appeal is not taken in bad faith. Bigbee has maintained his innocence throughout the entirety of a jury trial, even taking the stand in his own defense. While the Court believes he is unlikely to be successful on his appeal, Bigbee has a right to be heard by the appellate court. The Court will grant Bigbee’s application to proceed IFP on appeal.

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Defendant's Application to Proceed In Forma Pauperis on Appeal [Docket No. 299] is **GRANTED**.

DATED: January 22, 2025
at Minneapolis, Minnesota.


JOHN R. TUNHEIM
United States District Judge